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# **10 ACRE LOTS**

**Subdivision Control In Rural Areas**

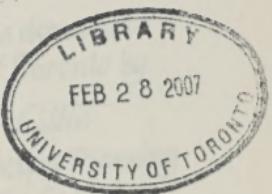
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President, Municipal Planning  
Consultants Co. Ltd.

"10 ACRE LOTS -

## SUBDIVISION CONTROL IN RURAL AREAS\*

## A REPORT

CENTRAL ONTARIO JOINT PLANNING BOARD  
OSHAWA 1967 ONTARIO



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# CENTRAL ONTARIO JOINT PLANNING BOARD

WILLIAM F. H. MCADAMS, M.T.P.I.C.  
DIRECTOR OF PLANNING

June 6, 1967

OSHAWA SHOPPING CENTRE  
KING STREET WEST  
OSHAWA, ONTARIO  
723-3411 AREA CODE 416

The Chairman and Members of  
the Planning Board

Gentlemen:                    Re: The Planning Act and 10 Acre Lots

You will doubtless agree that the lack of control over the subdivision of land into parcels of 10 acres or more has caused problems to planning boards and councils in most areas of the Province. You are doubtless aware that over the years many representations have been made to the Minister of Municipal Affairs to initiate an amendment to The Planning Act to deal with this inadequacy of the subdivision control provisions of the Act.

During recent years the problems associated with uncontrolled 10 acre subdivisions in the three townships in this joint planning area have become so severe as to warrant immediate action. As this problem was considered to be one of "area" concern, one of the local planning boards in the area requested this board to undertake a study of the subject. Such a study has been completed and a copy of the report is enclosed herewith.

At its meeting held on May 18th, 1967 the Central Ontario Joint Planning Board considered this report and discussed this subject in detail. It was the board's unanimous decision to accept this report and adopt the recommendations contained therein. Accordingly a brief has gone forward from this board petitioning the Minister of Municipal Affairs to initiate an amendment to The Planning Act in accordance with the recommendations contained in the report. You will notice that the report recommends that the Act be amended to give municipalities, through their Committee's of Adjustment, the same control over the subdivision of land into parcels of 10 acres or more, that local government now enjoys in the control of subdivisions into lots smaller than 10 acres in area.

At its May 18th meeting the board instructed the writer to forward copies of this report to other planning boards and councils in the Province with a request that they consider endorsing such a suggested amendment to The Planning Act. Such an endorsement is hereby requested of your board and it is respectfully suggested that such endorsement be addressed by way of a petition directly to the Minister of Municipal Affairs.

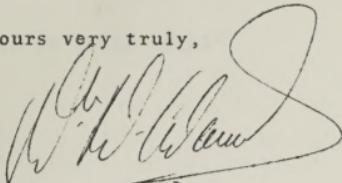
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June 6, 1967

Your serious consideration of the foregoing is respectfully requested.

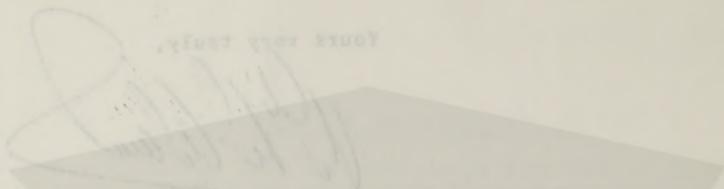
Yours very truly,



Wm. F. H. McAdams, M.T.P.I.C.  
Director of Planning

WFHMcA/ks  
Encl.

10 acre lot subdiv



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"10 ACRE LOTS -

SUBDIVISION CONTROL IN RURAL AREAS"

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Letter of April 14, 1967 from Totten, Sims and Hubicki and Associates.

Extract from Section 26 of The Planning Act.



"10 ACRE LOTS -  
SUBDIVISION CONTROL IN RURAL AREAS"

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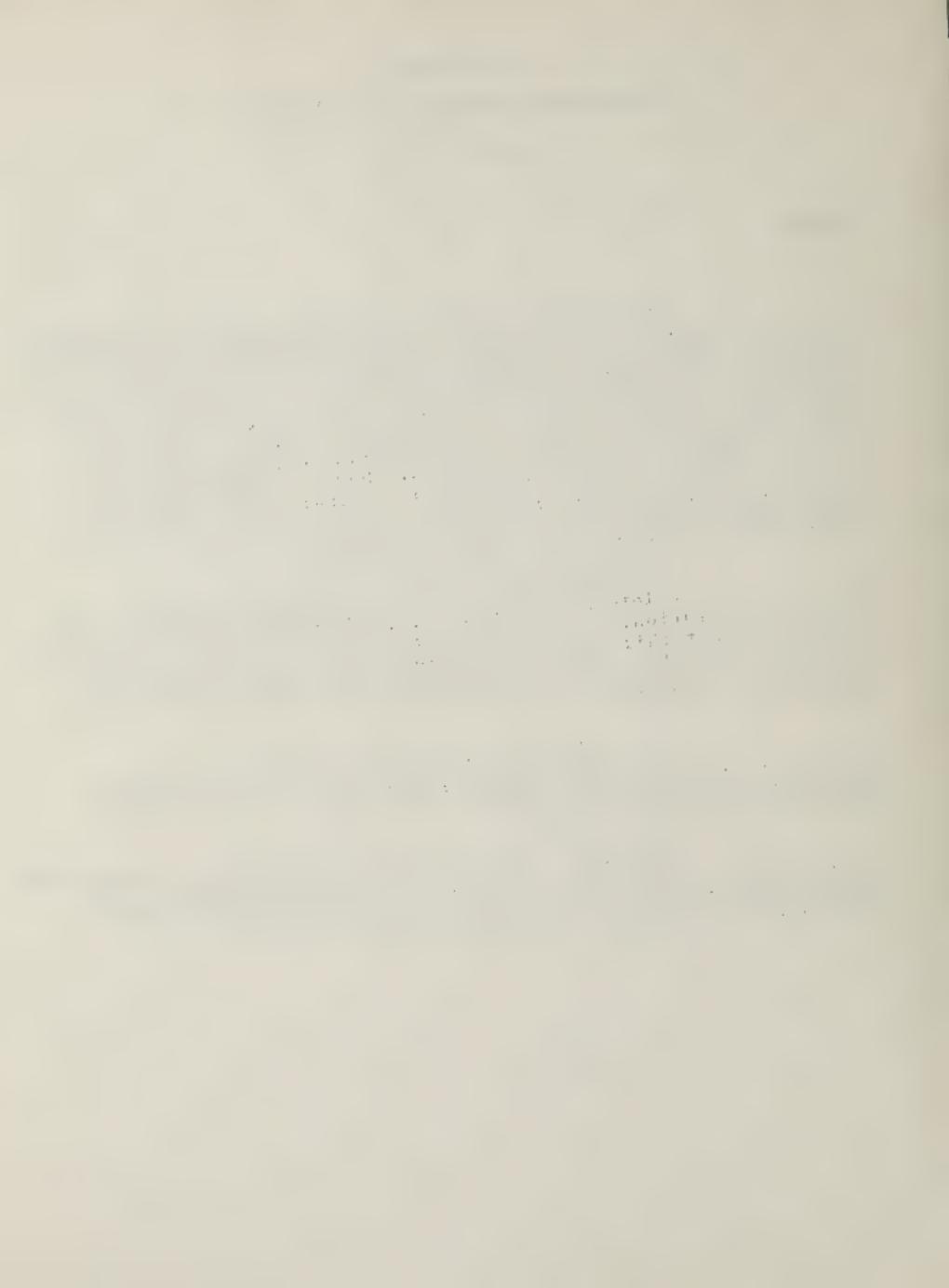
Preface

On February 1, 1967 the Board received correspondence from Wm. H. Wallace, Clerk of the Township of Whitby acting in his capacity as Secretary of the Township of Whitby Planning Board, outlining the concern of the township planning board over the increasing number of 10 acre lot separations which have been occurring in the rural areas of Whitby Township in the past few years. The letter went on to state that at its regular meeting held on January 26, 1967 the subject of restricting residential development in rural areas to 25 acre lots was considered. However, the township planning board felt that this might be a regional problem affecting other rural municipalities under the jurisdiction of the C.O.J.P.B. The following resolution was therefore passed:-

"That this Board refer the entire matter with respect to regulations restricting residential development in rural areas to 25 acre lots to the C.O.J.P.B. for their opinion and advice on such legislation." and "further that the Joint Planning Board be advised that this board favours legislation which would control residential development in agricultural or rural zones to 25 acre lots."

This matter was referred to the February 27th meeting of the Executive Committee of the C. O. J. P. B. wherein the following decision was reached and endorsed by the Board at its March 16th, 1967 meeting:-

"Decision:- That a study of this subject be undertaken by the staff and presented to the Board as soon as possible, and further that the area municipalities concerned be contacted for their opinion and written comments on this subject."



## 1. Study Procedure

This study has been undertaken in two phases:-

### Phase One - investigation of:

Number of Separations  
Present Population  
Population Potential  
Agricultural Aspect  
Roads

### Phase Two

Discussion  
Conclusions  
Recommendations

#### Phase One

In order to research the problem as thoroughly as possible within the limited time available, discussions were held with as many informed sources as possible. They included officials from the Department of Municipal Affairs, Highways and Agriculture, local municipal councils, clerks, assessors and road superintendents, county engineers and private agencies. In addition enquiries were made of rural municipalities adjacent to other urban areas in the province regarding their experience on this subject.

Much of the statistical material used in the preparation of this report was obtained from municipal assessment records. It soon became apparent that the amount of information obtainable and the ease of extracting same, varied between municipalities. In the Township of Darlington assessment records permitted the determination of the exact location of 10 acre lots. This was not so in the Townships of Whitby and East Whitby.

In accordance with the terms of reference this study has been limited to lands in the three townships of Darlington, East Whitby and Whitby, which are zoned "Agricultural" in local zoning by-laws.

While searching assessment records it was noted that there were many sales slightly in excess of 10 acres and therefore, abstracts were made of all sales of lots ranging between 10 and 20 acres. The upper limit of 20 acres also happens to be the smallest acreage that an owner could split into two parcels without the consent of the committee of adjustment. Accordingly in this report the expression "10 acre lots" include parcels of land ranging from 10 to 20 acres.



2. Number of 10 Acre Lot Separations

TABLE 1

## NUMBER OF 10 TO 20 ACRE LOT SEPARATIONS\*

	TOTAL TO 1962	PRIOR TO 1962	1962	1963	1964	1965	1966	TOTAL
WHITBY	33	16	16	17	16	46	144	
EAST WHITBY	28	8	7	3	7	30	83	
DARLINGTON	63	17	26	33	49	126	314	←
TOTAL	124	41	49	53	72	202	541	

\* On land zoned "agricultural" - Due to approximate locations in some assessment records it is possible that a small number of lots in residential areas are included in this table.

2. Number of 10 Acre Lot Separations

Table 1 indicates by municipality the number of lots separated prior to 1962 and each subsequent year thereafter. It is interesting to note that the demand for lots increased sharply in 1966.

While there may be several reasons for this increase, no doubt the increase in the price of building lots at the average rate of \$500 per lot over the past five years, for the Town of Whitby and the City of Oshawa, was an important factor. We are advised that the present cost of serviced lots in Oshawa ranges from \$6,000 to \$8,000, and in Whitby the same lot would be \$500 to \$1,000 less. The price of a 10 acre lot is proportionate to public demand, amenities and distance from an urban centre. Ten acre lots in 1966 ranged in price from \$3,500 to \$8,000.

People are attracted to 10 acre lots for a variety of reasons. As previously mentioned, to some it is a matter of economic necessity while to others it is a form of investment. Many may be motivated by a wish to escape the closed in feeling one can have in the city-- the lure of the home in the country with accompanying trees, gardens and fresh air. Other studies have shown that as an urban area increased in size and complexity, people are more willing to travel a greater distance to and from work.

While it is difficult to predict the future demand, no doubt if present conditions continue and no restrictions are imposed on the sale of 10 acre lots, the demand will continue to increase as population pressures mount.



3. Present Population

TABLE 2 - 1966 POPULATION

Source - Local Assessment Records

AGE GROUP		0 - 4 YEARS	5 - 14 YEARS	15 - 19 YEARS	20 - 59 YEARS	60 - 64 YEARS	65 + YEARS	TOTAL
WHITBY	%	3.6 5	21.6 30	11.5 16	50.3 70	5.8 8	7.2 10	100 139
EAST WHITBY	%	4.5 4	22.4 20	10.1 9	55.1 49	4.5 4	3.4 3	100 89
DARLINGTON	%	12.3 55	28.6 127	12.1 54	39.6 176	3.1 14	4.3 19	100 445

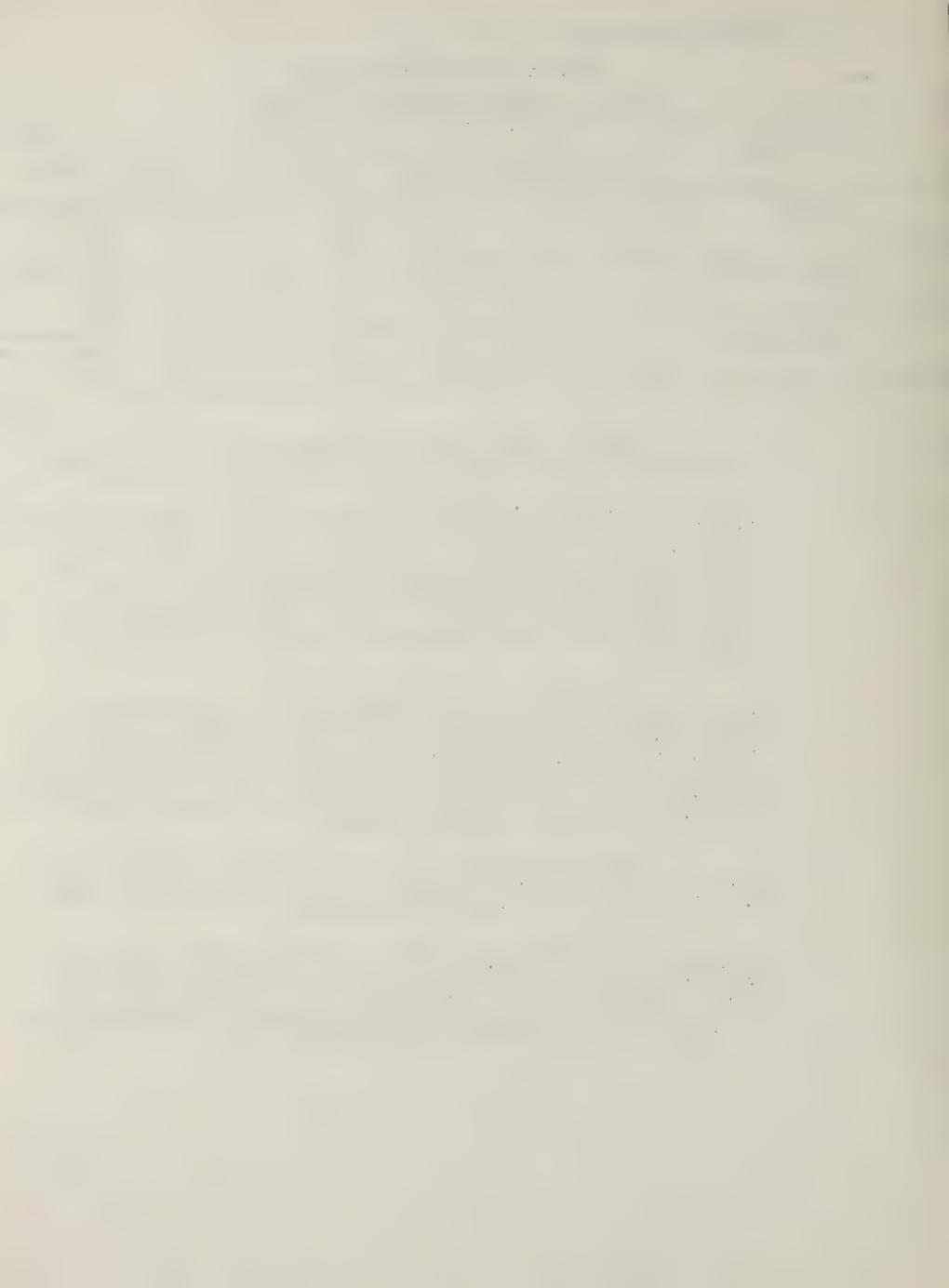
Table 2 shows the 1966 population and age composition of Township residents residing on 10 acre lots.

In the Townships of Whitby and East Whitby the percentage of children in the 0 - 4 age group is much lower than the same age group for the townships as a whole. The reverse is true with the older age group where a larger percentage exists. In the Township of Darlington where a larger population resides on 10 acre lots the various age group percentages are comparable to those of the entire township.

10 acre lot development does not significantly affect Whitby and East Whitby Townships in terms of public school classroom needs as in both cases less than one classroom is required. In Darlington the affect is somewhat more consequential with 3.6 classrooms used. Due to the scattered distribution of 10 acre lots, attendance is fairly evenly distributed amongst township schools.

High school attendance is minimal in Whitby and East Whitby where in each less than one classroom is used. 2.1 classrooms are needed in Darlington.

The number of students transported by school bus in Whitby and East Whitby has not yet reached a proportion where it constitutes a financial burden. This is not the case in Darlington where the transportation of approximately 170 students would involve considerable costs.



#### 4. Potential Population

TABLE 3 - POTENTIAL POPULATION

POPULATION		0-14	15-19	20+	Total	% of Township Population
Whitby	Exist.	35	16	88	139	1.8
	Pot.	135	25	185	345	4.3
	Total	170	41	173	484	6.1
East Whitby	Exist.	24	9	56	89	2.8
	Pot.	77	17	106	200	6.0
	Total	101	26	162	289	8.8
Darlington	Exist.	182	54	209	445	4.3
	Pot.	353	104	401	858	7.7
	Total	535	158	610	1303	12.0

Table 3 indicates the potential population of each township. Data has been computed by adding the number of vacant 10 acre lots, the number of vacant and incomplete houses situated on 10 acre lots and multiplying the total by the average number of persons per household in each individual township. Potential school age population is based upon existing 10 acre lot age composition data.

A substantial population increase would occur within each township if all existing 10 acre lots were developed. The percentage of persons living on 10 acre lots would increase from the present 1.8% in Whitby to 6.1% in East Whitby from 2.8% to 8.8% and in Darlington from 4.3% to 12.0%.

As may be deduced from table 3 the population increase would place an additional burden on existing school facilities.



## 5. Agricultural Aspect

Table 4 indicates by municipality the total amount of farmland at the taking of the 1961 census and the approximate acreage of land lost due to 10 acre lot separations since that time. From assessment records it was also possible to ascertain that there were 413 acres of land in Whitby Township, 356 acres in East Whitby and 613 acres in Darlington already divided into 10 acre lots before 1961. In December 1966, approximately 6,500 acres of land in agricultural zones in the three townships was assessed in 10 acre lots.

Information regarding 10 acre lots situated within land zoned as residential was not ascertained. As a result the amount of farmland located in residential zones and lost to 10 acre lots was not ascertained. Although some persons may use part of their 10 acre lot for agricultural purposes or lease a portion to an adjacent farmer, the extent of this condition has not been determined.

The reasons for farmers selling farmland are many and varied. In many cases a farmer may have reached an age where he is no longer physically able to continue farming. In addition farmer's sons who in past generations took over their father's farms now often leave the farms in favour of employment in urban centres. Attractive land prices of course, are sufficient reason for many farmers to sell off a portion of their farm. Regardless of the reasons however, the fact is that based on census data for the decade 1951 - 1961 the acreage of farmland in each of the townships decreased. This census data also shows that the number of farms decreased and the average size of a farm increased.

There can be no doubt that the increased demand for 10 acre lots in part, resulted in higher land costs. The rising cost of farmland could have an adverse effect on enterprising farmers who wish to expand their holdings. It is becoming increasingly difficult for local farmers to expand their acreage. Many farmers now rent farmland which has been sold to speculators or as previously mentioned, lease the unused back portions of 10 acre lots.

According to those knowledgeable authorities with whom we have discussed this matter there is no great concern at this time with the amount of farmland lost. However, if farmland continues to decline at its present rate a serious situation could arise.



TABLE 4 - FARMLAND

		<u>Whitby</u>	<u>East Whitby</u>	<u>Darlington</u>
Acreage of all Farmland as of 1961		29,173	20,893	54,254
Approx. acreage of Farmland lost to 10 acre lots since 1961	<u>Acres</u>	1,320	645	3,230
	<u>%</u>	4.5	3.0	5.9
Acreage of 10 acre lots existing in 1961		413	356	613
Total acreage of land lost to 10 acre lots		1,733	1,001	3,843

The agricultural soil capability of land which has been separated into 10 acre lots has been examined utilizing a soil capability map prepared by the Department of Forestry, Canada - "The Canada Land Inventory". While it is apparent that many lots, especially in Darlington Township have been established on land which might be considered unsatisfactory for farming purposes, by far the greater majority of 10 acre lots are on farmland with fair to excellent soil capability.

Another map prepared by the Canada Land Inventory shows the 1964 agricultural land use in the townships. An examination of 10 acre lot separations and this map shows that lot sales have taken place on all types of agricultural land.



## 6. Roads

The subdivision of farms into lots and the change of land use from agricultural to residential has a number of apparent effects on the road system. Some immediate effects of this activity can be enumerated as:-

- increase in total traffic
- increase in number of access points along township and county roads and provincial highways
- general increase in traffic conflict points and reduction of speed limits
- resultant detrimental effect on the major roads system regarding its primary objective of carrying traffic quickly and safely
- increase in capital and maintenance costs for the township

In order to obtain a quantitative analysis of the financial implications of such unrestricted subdivision activity along existing roads, enquiries were made of a local consulting engineering firm which has a wide experience in traffic studies and road construction.

A communication dated April 14, 1967 from Totten, Sims, Hubicki and Associates is appended to this report and computes an annual increase in municipal roads expenditures of \$2,075.00 per mile of 10 acre lot development (16-330' lots each side = 32 lots per mile). On this basis a per lot annual cost for roads could be \$65.00 (\$2,075 divided by 32 lots).



7. Discussion

It has been shown that the number of 10 acre lots in the three townships is now well over 500. The more alarming fact however, is the rate of increase of creation of these lots, particularly in the past 12 months. Nearly as many lots were created in 1966 as were sold in the previous 4 years. The 1966 total of 202 lots was three times greater than 1965. This increased activity has taken place in all three townships.

Under the current provisions of The Planning Act the townships cannot prevent the continuing and expanding of this type of subdivision activity. Perhaps more important than the creation of the equivalent of a 200 lot subdivision in 1966 was the fact that in excess of 2,000 acres of land was sold off existing farms to be ultimately replaced by non-rural uses.

Although the existing and proposed official plans in the townships contain policy statements to retain large farm holdings and minimize scattered residential development, local zoning by-laws permit residential construction on separated lots. Minimum lot sizes for dwellings are invariably less than 1 acre.

Simply expressed, the control of the subdivision of land into lots of over 10 acres could only be acquired by the municipalities by an amendment to The Planning Act. The control over the erection of buildings can be handled by an amendment to local zoning by-laws.

Doubtless, many of the 10 acre lots recently separated have been acquired for speculation or investment (which ever expression is preferred) and not for early residential construction. However, a close relationship can be seen between this activity in the rural townships and the conditions in the urban municipalities. The shortage of serviced building lots, the high cost of land and restrictive residential subdivision practices in the urban centres is contributing to this uncontrollable subdivision activity in the townships. Seen in the perspective of a doubling of our population in 20 years this condition or relationship assumes gigantic proportions. It is vital that positive action be taken to remedy this situation. Here is a very practical example of the current housing crisis or dilemma that faces us. It would appear that if undesirable urban residential growth is to be prevented in the rural parts of our planning area, definite actions have to be taken in our urban areas to increase available building land, depress inflationary costs and improve amenities.

The evils of "strip development", "ribbon development", or "scattered development" and the problems associated therewith are generally understood and will not be elaborated on further. The effect of this uncontrolled subdivision on our agricultural economy is perhaps appreciated less.



While searching assessment records for Whitby and East Whitby Townships separated parcels of 21 to 50 acres were also abstracted. It was observed that there was a sizeable number of these lots. (78 in Whitby and 56 in East Whitby existing in 1966). A similar observation was made in Darlington. We have been advised of the lack of success in other townships of a "25 acre lot provision", (minimum lot size of 25 acres for residential use in an agricultural zone.) The ineffectiveness of tackling the 10 acre lot problem by merely increasing residential lot size requirements in agricultural zones is emphasized by the two foregoing factors.



## 8. Conclusions

1. Uncontrolled land subdivision in rural areas is having an immediate effect upon agricultural land use and farm ownership in the area.

2. High land values for 10 acre lots, as opposed to average farm prices, is causing a serious disruption in the agricultural community and such activity is creating what might be an irreversible trend with a serious long term effect, precluding in some cases, the trend to larger farming units.

3. The Planning Act does not allow a municipality to control or prevent this subdivision activity.

4. Inadequate zoning provisions in local by-laws allows residential construction on these lots.

5. A fair amount of subdivision into 21 to 50 acre parcels is also taking place in the planning area.

6. Other townships in the province, contacted regarding their attempts to meet this problem, have been disappointed with 25 acre lot provisions.

7. Inadequate zoning provisions are perhaps encouraging land speculation, but it is believed that any amendment to local zoning by-laws will not eliminate land speculation. A simple increase in lot size requirements might only increase the size of parcels acquired for speculation.

8. Although local and provincial planning authorities and legislative bodies have to be consulted on draft plans of subdivision and land sales below 10 acres, and these agencies have appropriate roles in the decision making and approval procedure no such process is required on 10 acre lot subdivisions. Over 500 lots have been created without any control or consideration as to their location, size or shape or any relationships or affects, as can be considered in other types of subdivision. Today 332 vacant lots exist in the three townships with their possible resultant population and servicing demands.



## 9. Recommendations

1. That this Board petition the Minister of Municipal Affairs proposing an amendment to The Planning Act to eliminate the 10 acre lot exception from the area of subdivision control provisions of section 26, and thereby allow local committees of adjustment the same powers in dealing with land separation over 10 acres as they now have on land sales under 10 acres.

2. The Board seek the endorsement of this petition by all area councils and local planning boards.

3. If recommendation (1) is un-acceptable to the Board it is recommended that the 10 acre "exception" be amended to 50 acres and the Minister be petitioned accordingly and the support as suggested in item (2) be also sought.

4. That the appropriate departments of the provincial government be advised of what we consider to be an important relationship between the serviced land and housing shortage in urban centres and the resultant effects on rural communities.

5. That it be recommended to the townships that:-

(a) a minimum lot size of 50 acres be established for residential uses in agricultural zones in local zoning by-laws.

(b) that an exception clause for existing vacant lots not be included in such an amendment. (The Planning Act makes provision for owners who have filed application for building permits.)

(c) consideration be given to the inclusion of a policy statement in local official plans regarding the use of suitable lands in the townships for rural residential development, and that some land be zoned for such purpose at this time. (the considerations for such rural-residential zoning would include:-

(1) minimum lot size not less than 2 acres with a frontage wide enough to discourage long narrow lots.

(11) residential use limited to 1 single family dwelling per lot with appropriate regulations.

(iii) such areas designated shall have available ground water supplies and be suitable for septic tank installations.

(iv) no land in line with urban expansion should be so zoned.

(v) no land of significant value for agricultural purposes or land that will be required for future conservation areas shall be so zoned



(vi) such zoning and proposed development would not adversely affect traffic movement on main traffic arteries, overtax existing municipal facilities or municipal financial resources.

(vii) the land for rural residential purposes should possess particular physical features such as rolling areas, beside creek valleys or woods which make such land attractive for low density residential development.

6. That this report be presented to area councils and local planning boards.



APPENDIX TO REPORT ENTITLED  
"10 ACRE LOTS - SUBDIVISION CONTROL IN RURAL AREAS"

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C O P Y

TOTTEN, SIMS, HUBICKI & ASSOCIATES LIMITED  
Consulting Engineers  
519 Dundas St. E. Whitby

April 14, 1967,

Mr. G. Cameron, Planning Assistant,  
Central Ontario Joint Planning Board,  
Oshawa Shopping Centre,  
Oshawa, Ontario.

Dear Mr. Cameron:      Re: Influence on Road Systems -  
10 Acre land subdivision

Further to our recent conversation, I am pleased to provide assistance in estimating the possible financial effect on a township road system resulting from 10 acre lot development. The basis for this estimate must, of necessity, assume a hypothetical condition and other factors. However, the assumptions were made keeping in mind the average rural area of the Townships you mentioned i.e. the section of road analysed might be mid-way between Lake Ontario and the northern boundary of the municipality. The following assumptions and factors establish the hypothetical condition:-

1. A one mile section of road is considered and costs are given on this basis. It had a gravel surface and was tolerable.
2. Previous use of land was exclusively agricultural.
3. Present use is residential with dwellings located on 10 acre parcels having a frontage of 330' ± .
4. Previous traffic volumes on basis of A.A.D.T. were 100 ± (This is quite normal for municipalities being considered.)
5. Traffic generation per residential dwelling is 8 V.P.D. (recent studies have encountered range of 6 to 11 V.P.D.).
6. Standards used for comparison are D.H.O. recommendations and all new improvement in area being considered conforms to those standards.
7. Because the theoretical County Road grid has area units of approximately 16 sq. miles, 4 mi. X 4 mi., the distance from a central point to the nearest County or Provincial Highway is taken as two miles. Therefore, the influence of the second mile is considered in determining the effect on the 1st hypothetical mile.



From a standpoint of the municipal road, the significant factor to be estimated is the traffic volume. This information determines if a road is tolerable by accepted standards, the standard to be employed if new construction is required, and less directly the level of maintenance that must be provided.

The estimated increase in traffic on the foregoing basis will be:-

$$\begin{array}{r} 5280 \times 2 \times 8 = 256 \\ \hline 330 \end{array}$$

When the traffic generated by the development in the immediately adjoining mile is added, the total increase becomes 512 - say 500 V.P.D. New total daily traffic = 100 (original) + 500 = 600 V.P.D. It is noted that the effect of possibly eliminating the original farm dwellings has not been considered because natural growth in ratio of vehicle trips to persons would more than offset a possible reduction in the original 100 V.P.D.

We may now classify the original road and the road after development according to D.H.O. standards.

1. Original road, 100-200 V.P.D. classification.
2. Road after development, 400-1,000 V.P.D. classification.

A comparison of the more important components of these standards is given:

	100-200 Class	400-1,000 Class
Design Speed	35 M.P.H.	45 M.P.H.
Total Road Width	28'	32'
Surface	Gravel	Paved

There are several very important considerations related to the transition from a 100-200 standard road to one in the 400-1,000 range. While the original road might have been quite acceptable for many years with a gravel surface, it becomes intolerable at a volume of about 400 V.P.D. -- there is difficulty, inconvenience and much higher cost in attempting to maintain a loose top surface at volumes in excess of 400 V.P.D. Aside from this consideration, there are substantial increases in the cost of constructing a road in the higher class. It must be wider - more right-of-way must be acquired, because of the increase in speed and visibility requirements grading volumes increase and the right-of-way required for construction, not only is the cost of pavement an increase but usually increased granular depths are necessary to support the pavement, where the original road might have been improved without relocation of utilities, the heavier grading and wider surface will necessitate expenditure on the 400-1,000 class road for this type of work, - etc.



I have made a detailed cost comparison for construction of a road in each class and the result compares quite well with actual experience and costs on many miles of road we have designed and supervised in these classes. They are:-

100-200 standard      \$40,000 per mile

400-1,000 standard      \$65,000 per mile

For your economic appraisal you may wish to consider only the differential cost on the basis that eventually the original road would have been reconstructed as deterioration occurred. Conversely, it may be argued that the original road was adequate and without the change in population density it would have remained so in which case the total cost should be included in your appraisal. If your financial appraisal is to be particularly refined it is necessary to consider factors which I have not included such as life expectancy of the work, present value of capital expenditures plus the fact that in actual practice we would design a new road on the basis of a 20 year traffic projection rather than for present volumes. In time this requires application of a population growth factor applied to traffic and would result in an even higher design class and consequently higher capital costs. From our discussion, I did not feel that you wished to pursue this matter to such a degree. However, if you do, I will provide further information.

The following summary is based on the considerations as covered in this letter and I believe it to be a reasonably accurate appraisal of comparative costs.

	<u>100-200</u>	<u>400-1,000</u>	<u>Increase</u>	<u>Municipal Cost After Subsidy</u>
Capital Expenditure/Mile	Tolerable = 0	\$65,000	\$65,000	\$32,500
Maintenance & O.H. Expenditure/Mile	\$300.00	\$1,200	\$900.00	\$450.00

If you assume a twenty-year life expectancy and disregard interest considerations the yearly capital cost becomes \$1,625.00.

Therefore, the total annual increase in municipal expenditure obtained from direct tax revenue resulting from the hypothetical land development is \$2,075.00 per mile.

I hope the foregoing data will be of some help in your study.

Yours very truly,

(signed)

RES/bp

R. E. Sims, P.Eng.



APPENDIX  
EXTRACT FROM THE PLANNING ACT  
PART II - SUBDIVISIONS

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26.-- (1) The council of the municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or mortgage or charge land in the area, or enter into an agreement of sale and purchase of land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor, mortgagor or vendor does not retain the fee or the equity or redemption in any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land is ten acres or more in area and the land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or
- (d) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or
- (e) the consent,
  - (i) of the committee of adjustment of the municipality----
  - (ii) ---- n/a ----

is given to the conveyance, mortgage, charge or agreement.





